

#6 900
2834

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----ooo:O:ooo-----

Application of :
Hiroyuki MURAMATSU et al. :
Serial No. 09/748,326 : Group Art Unit - 2834
Filed: December 26, 2000 : Examiner - Mark Osborne Budd
For: PULSE DETECTING DEVICE :
AND METHOD OF MANUFAC- :
TURING THE SAME : Docket No. S004-4175

-----ooo:O:ooo-----

Box DAC
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

**PETITION UNDER 37 C.F.R. §1.181 FOR
WITHDRAWAL OF NOTICE OF ABANDONMENT**

S I R:

Applicants respectfully petition pursuant to 37
C.F.R. §1.181 for withdrawal of a Notice of Abandonment mailed
July 3, 2002 in the above-identified application.

Statement of Facts

The Notice of Abandonment ("Notice") states that the
application was abandoned for failure to timely file a proper
reply to the Office Action mailed on November 27, 2001 in that
no response to the Office Action has been received. A copy of
the Notice is enclosed herewith.

**MAILING CERTIFICATE ON
LAST PAGE**

An Office Action was mailed in this application on November 27, 2001 setting a one-month period for response, thereby making a response due on December 27, 2001. On December 13, 2001, the attorneys of record timely filed a response bearing a mailing certificate dated December 13, 2001. A copy of the response is enclosed (Exhibit A). Also enclosed are copies of the complete page of the Master Docket Book of the attorneys of record for December 13, 2001 (Exhibit B) and of the front face of the file jacket of the application file maintained by the attorneys of record (Exhibit C), both of which indicate that the response was mailed to the PTO on December 13, 2001.

The response was filed accompanied by a return receipt postcard for date-stamping by the PTO. To date, the return receipt postcard has not been received by the attorneys of record.

A check of the Master Docket Book shows that the attorneys of record filed at the PTO papers in nine applications, including the response in the present application, by mailing certificate dated December 13, 2001. Return receipt postcards have been received in eight applications (Exhibit D) but not in the present application.

A response in the present application was timely filed by mailing certificate on December 13, 2001 and it appears that the response has either been misplaced at the PTO or lost/misdirected in the mail.

Petition Fee

No petition fee is believed required in connection with this petition. However, should it be determined that a petition fee is due, authorization is hereby given to charge any such fee to our Deposit Account No. 01-0268.

Relief Sought

In view of the foregoing, applicants respectfully request that the Notice of Abandonment mailed on July 3, 2002, be withdrawn and vacated as having been erroneously issued, and that the application be restored to the pending files and further examined in due course.

Respectfully submitted,
ADAMS & WILKS

Attorneys for Applicants

By: 

Bruce L. Adams
Reg. No. 25,386

Adams & Wilks
50 Broadway -31st Fl.
New York, New York 10004
(212) 809-3700

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, D.C. 20231, on the date indicated below.


Bruce L. Adams

Attorney Name

Signature

SEPTEMBER 3, 2002

Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,326	12/26/2000	Hiroyuki Muramatsu	S004-4175	9113

7590
ADAMS & WILKS
31st Floor
50 Broadway
New York, NY 10004

07/03/2002



EXAMINER

BUDD, MARK OSBORNE

ART UNIT PAPER NUMBER

2834

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11-27-01.
- ☐ A reply (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
- ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
- ☐ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

MARK O. BUDD
PRIMARY EXAMINER
ART UNIT 2105

SEP 09 2002

THURSDAY

27

DECEMBER

~~Abandoned Pkt Bruce~~~~Multi-media 013, 939 - Don - Final~~~~Audiotech "helpdesk.com"~~

Paid 11/27/01 m.c.

~~Luaka 535,376 - Loose fee, Assignment & Priority document (Seiko)~~

1st - 2nd x and Response Filed 12/27/01 m.c.

~~Unimold 587,027 - 1st - 2nd x and Don - Final (Seiko) L.H. 12/24 Paul 12/21~~

Amendment Filed 12/27/01 m.c.

~~Kadot 558,615 - 1st - 2nd x and Final (Seiko) L.H. 12/14 ~~Paul 12/12~~ Paul 12/12~~Bito Appen. Filed 12/12/01 E.M.
~~5004-4481 Patent Appen.~~Appen. Filed 12/12/01 E.M.
~~Noguchi 5004-4480 Patent Appen.~~Appen. Filed 12/12/01 E.M.
~~Kobayashi 5004-4482 Patent Appen.~~Response Filed 12/13/01 m.c.
~~Mulanaton 748,336 - Application (Seiko) L.H. 12/10~~Appen. Filed 12/20/01 E.M.
~~Suzawa 5004-4510 Patent Appen.~~

2001 361st day - 4 days follow

SEP 09 2002

THURSDAY

27

DECEMBER

~~Abandoned PCT Bruce~~

~~Multi-media 013,939 Don-Turner~~
~~Audiocast "Hearstuck.com"~~

~~Paid 11/27/01 M.C.~~
~~Luake 535,376 Game fee, Assignment & Priority Document (Seiko)~~

~~2nd X and Response Filed 12/27/01 M.C.~~
~~Memoto 587,087 Hot-2nd X and Don-Turner~~
~~(Seiko) L.R. 12/24 Paul 12/21~~

~~Amendment Filed 12/27/01 M.C.~~
~~Kado 558,615 Hot-2nd X and Don-Turner~~
~~(Seiko) L.R. 12/24 Paul 12/21~~

~~Appen. Filed 12/12/01 E.M.~~
~~Bit 5004-4481 Patent Appen.~~

~~Appen. Filed 12/12/01 E.M.~~
~~Noguchi 5004-4480 Patent Appen.~~

~~Appen. Filed 12/13/01 E.M.~~
~~Hobayachi 5004-4482 Patent Appen.~~

~~Response Filed 12/13/01 M.C.~~
~~Mulamaton 748,336 Application (Seiko)~~
~~L.R. 12/10~~

~~Appen. Filed 12/20/01 E.M.~~
~~Suzawa 5004-4510 Patent Appen.~~

**KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW-LISTED MATERIAL, AND RETURN:**

INFORMATION DISCLOSURE STATEMENT UNDER PATENT
RULES 97 and 98 (WITH MAILING CERTIFICATE),
FORM PTO-1449 and TWO REFERENCES

MITAMURA
S.N. 09/549,358
Docket No. S004-3949

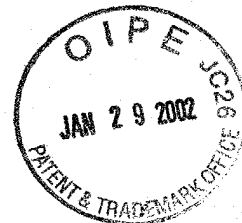


Exhibit D

**KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW-LISTED MATERIAL, AND RETURN:**

RESPONSE (WITH MAILING CERTIFICATE)

TAKASU
S.N. 09/569,182
Docket No. S004-3980

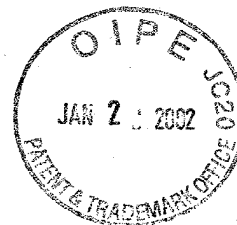


**KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW-LISTED MATERIAL, AND RETURN:**

RESPONSE (WITH MAILING CERTIFICATE), ABSTRACT OF
THE DISCLOSURE and VERSION WITH MARKINGS TO
SHOW CHANGES MADE

Koichi TAMURA

S.N. 09/531,660
D.N. S004-3906

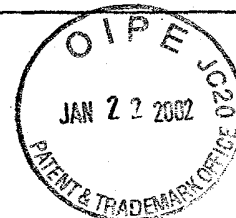


**KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW-LISTED MATERIAL, AND RETURN:**

PETITION FOR EXTENSION OF TIME AND REQUIRED
EXTENSION FEE (WITH MAILING CERTIFICATE),
RESPONSE (WITH MAILING CERTIFICATE), COPIES OF
CERTIFIED ENGLISH TRANSLATION OF PRIORITY
APPLICATION and CHECK IN THE AMOUNT OF \$110.00

Makoto ISHIDA

S.N. 09/767,501
D.N. K036-4193



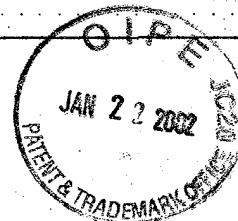
**KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW-LISTED MATERIAL, AND RETURN:**

RESPONSE (WITH MAILING CERTIFICATE), ABSTRACT
OF THE DISCLOSURE, MARKED-UP COPY OF SUBSTITUTE
SPECIFICATION FOR APPLN. SER. NO. 09/698,686,
COPY OF SPECIFICATION, VERSION WITH MARKINGS TO
SHOW CHANGES MADE and CHECK IN THE AMOUNT OF
\$84.00

Hirokazu YOSHIZAWA

S.N. 09/698,686

D.N. S004-4112



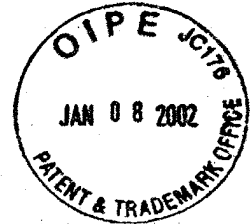
KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW-LISTED MATERIAL, AND RETURN:

RESPONSE (WITH MAILING CERTIFICATE), ABSTRACT OF
THE DISCLOSURE and VERSION WITH MARKINGS TO SHOW
CHANGES MADE

Kiyoshi ARATAKE

S.N. 09/493,760

D.N. S004-3867



KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW LISTED MATERIAL AND RETURN:

RESPONSE (WITH MAILING CERTIFICATE), MARKED
UP COPY OF PGS.1-5 OF SPECIFICATION and PARTIAL
SUBSTITUTE SPECIFICATION OF PGS.1-5

MITAMURA
S.N. 09/549,358
Docket No. S004-3949



**KINDLY ACKNOWLEDGE RECEIPT OF THE
BELOW-LISTED MATERIAL, AND RETURN:**

RESPONSE (WITH MAILING CERTIFICATE), ONE SHEET OF
INFORMAL DRAWING CONTAINING FIG. 1 THEREON, and
VERSION WITH MARKINGS TO SHOW CHANGES MADE

Nobutaka NAKAMURA

S.N. 09/319,624

D.N. S004-3742 (PCT)

